

# **MINUTES - COMMITTEE OF THE WHOLE**

## **MEETING HELD THURSDAY, FEBRUARY 20, 2003, AT 8:05 A.M.**

**PRESENT:** Mayor Lowe, in the Chair, and Councillors Coleman, Fleming, Fortin, Holland, Hughes, Madoff, Savoie, and Thornton-Joe.

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Basey, Dellebuur, Dolan, Koch, Scoones, Sikstrom, and Woodland, Ms. Atkinson, Ms. Chase, Ms. Fowler, Ms. Low, Ms. McKay, Ms. Masters, Ms. Mayhew, Ms. Price-Douglas, Ms. Ramsay, and Ms. Zink, and Fire Chief Thoresen attended for portions of the meeting. Mr. Peter Johnson from Staples McDannold Stewart also attended.  
Recording Secretary: Linda Johnson

### **PLANNING & DEVELOPMENT**

#### **USE OF PREMISES AT 251 SUPERIOR STREET FOR HORSE DRAWN BUSINESS**

03/139

Committee of the Whole, at its meeting on February 13, 2003 postponed consideration of a bylaw enforcement issue regarding the use of premises at 251 Superior Street for a horse drawn carriage tour business, to the February 20<sup>th</sup>, 2003 meeting, in order to provide sufficient time for a thorough discussion of the issue.

Committee received a memorandum dated February 12, 2003 from the Senior Bylaw Officer reviewing the use of the house and property at 251 Superior Street as a horse drawn carriage business from the time it was rezoned for that use in 1989 to November 2002, when the owner was advised that a restrictive covenant, that should have been renewed annually, had not been addressed since 1996.

The staff report included relevant minutes, correspondence, and legal documents pertaining to the issue. In addition, it outlined complaints received regarding the use of 251 Superior Street.

Committee also received a letter dated February 12, 2003 from Ms. Diane Donohue, President of Victoria Carriage Tours and owner of 251 Superior Street, requesting that the covenant be renewed. Letters of support from neighbours were attached.

The Manager, Regulatory & Development Services presented a verbal report. Ms. Donohue and her legal counsel, Mr. Malcolm Smith also presented information to Committee.

Committee agreed to refer further consideration of the matter to the Closed portion of the meeting, and requested that advice from the City's solicitors be received at that time.

**REZONING APPLICATION #01-37**  
**915 & 919 MARKET STREET**

03/138

Committee received a memorandum dated February 13, 2003 from the Planning Division regarding Rezoning Application #01-37 for 915 & 919 Market Street. The proposal is to subdivide and rezone the property to permit two small lot homes and 5 townhouse units. The existing homes which front onto Market Street would be retained while the new townhouse building would front onto Wark Street.

**ACTION:** Councillor Madoff moved that it be recommended to Council that Rezoning Application #01-37 for 915 & 919 Market Street, be declined.

**REZONING APPLICATION #02-23**  
**1614 REDFERN STREET**

03/137

Committee of the Whole, at its October 17<sup>th</sup>, 2002 meeting postponed consideration of Rezoning Application #02-23 for 1614 Redfern Street pending resolution of the front yard parking issue.

Committee received a memorandum dated February 13, 2003 from the Planning Division advising that the applicant's designer revisited the parking configuration on the parcel and has requested that the application be considered as it was initially presented, with one parking space contained within the front yard setback.

**ACTION:** Councillor Savoie moved that it be recommended to Council that:

- 1) Rezoning Application #02-23 for 1614 Redfern Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary zoning amendments subject to:
  - A fully dimensioned parking and access plan prior to the public hearing to the satisfaction of the Director of Engineering.
  - Confirmation of consultation with immediate neighbours and the South Jubilee Neighbourhood Association.
  - Receipt, prior to the public hearing, of plans for landscape screening and a pervious driveway surface.
- 2) A Development Permit be issued concurrent with the rezoning with the following relaxation:  
Section 2.1.5(t) to vary the off street parking requirement to allow one parking stall to be located in the front yard setback

**REVISED PLANS FOR REZONING APPLICATION #02-28**  
**401 GARBALLY ROAD**

03/136

At its meeting on January 23, 2003 Council endorsed the Committee of the Whole recommendation that Rezoning Application #02-28 for 401 Garbally Road be forwarded to a public hearing subject to a number of conditions.

Committee received a memorandum dated February 13, 2003 from the Senior Planner advising that the applicant has subsequently submitted revised plans for the development, including a reduction in the size of both the proposed office building and the parkade.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) Committee of the Whole recommendation #03/62 regarding a correction to the parkade floor area, and tabled at the January 23, 2003 meeting, be rescinded.
  - 2) The recommendation to forward the application to public hearing, endorsed by Council on January 23, 2003, be amended to require that the necessary Zoning Bylaw Amendments be based on the draft zone outlined in section 3.2 of the report dated February 13, 2003 from the Senior Planner.

**CORRECTION TO REZONING APPLICATION #02-28**  
**1624 CAMOSUN STREET**

03/135

Committee received a memorandum dated February 4, 2003 from the Planning Division advising that the report regarding Rezoning Application #02-28 for 1624 Camosun Street, considered by Council on February 13, 2003, contained an error. The requested variance for the rear yard of the existing house should be 4.0m, not 4.4m.

- ACTION:** Councillor Madoff moved that it be recommended to Council that their resolution of February 13, 2003 be amended to the following:
- 1) That the application be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendment subject to the satisfaction of the Director of Engineering.
  - 2) Approval of the following Development Variance Permit concurrent with the rezoning:  
Section 1.2.9      To vary the rear yard setback of the existing house from 7.5m to 4m

**NOISE BYLAW PROJECT UPDATE**

03/134

Committee received a memorandum dated February 11, 2003 from the Planning Division providing the fourth update since the Noise Bylaw Project was initiated in September 2002. Since January 9, 2003 staff have accomplished the following:

- Posted the draft Noise Bylaw and the Noise District Map on the City web site.
- Issued a media advisory that resulted in extensive press coverage for the project.
- Held an Open House on February 4, 2003.
- Presented the project to the Advisory Planning Commission and are awaiting comments.
- Sent an e-mail to all City employees requesting comments on the draft bylaw.

A new draft of the Noise Bylaw and the Noise District map is expected in April.

- ACTION:** Councillor Hughes moved that the report dated February 11, 2003 from the Planning Division regarding a Noise Bylaw Project update, be received for information.

**HERITAGE ALTERATION PERMIT #110**  
**805 GORDON STREET (UNION CLUB)**

03/133

Committee received a memorandum dated February 12, 2003 from the Heritage Planner regarding Heritage Alteration Permit #110 for 805 Gordon Street. The proposal is to install a glazed canopy above the second floor terrace on the south side of the Union Club, a Heritage Registry building. Previous installation of a retractable canvas awning to provide weather protection has not been successful. The application was reviewed by the Heritage Advisory Committee at its meeting on February 11, 2003, and was recommended for approval.

**ACTION:** Councillor Madoff moved that it be recommended to Council that Heritage Alteration Permit #110 be issued in accordance with:

- 1) Plans dated February 4, 2003.
- 2) Development meeting all bylaw requirements.
- 3) Final plans to be in accordance with plans identified above.
- 4) Final review by the Heritage Advisory Committee prior to issuance of the building permit.

**ENGINEERING**

**RESIDENTIAL STRATA TITLE APPLICATION**  
**436 NIAGARA STREET**

03/132

Committee received a memorandum dated February 13, 2003 from the Supervisor, Development Engineering advising that the owners of the existing 4-plex at 436 Niagara Street have applied to strata title the property. The building was constructed in 1908 as a single family dwelling, and converted to a 4 suite apartment in 1960. The applicant recently purchased the subject property with plans to substantially renovate the interior and exterior of the building. The purchase was subject to vacant possession in order to accommodate these planned renovations.

**ACTION:** Councillor Hughes moved that it be recommended to Council that the application to strata title the residential building at 436 Niagara Street into 4 residential strata units be approved subject to compliance with applicable municipal bylaws and provincial codes.

**COMMUNITY DEVELOPMENT**

**SUMMER PROGRAM – CENTENNIAL SQUARE**

03/131

Committee received a memorandum dated February 14, 2003 from the Community Recreation Development Coordinator regarding summer programming in Centennial Square. The Intercultural Association of Greater Victoria (ICA) has presented a proposal for a “world class summer festival” in the Square over the next three years. An integral part of the proposal would be the return of FolkFest to Centennial Square. The ICA would operate both the Inner

Harbour and Centennial Square sites concurrently, with complementary programming. The City's Summer in the Square program budget would remain at the 2002 level and be committed for three years to support the ICA in building the event.

Ms. Jean McRae, ICA Executive Director; and Mr. Tyl van Toorn, TNT Productions Inc. addressed Committee regarding their plans for the summer program.

Councillor Holland requested clarification on liability insurance and a legal opinion on the 3 year funding commitment.

- ACTION:** Councillor Savoie moved that it be recommended to Council that:
- 1) Approval be given to the Intercultural Association of Greater Victoria's proposal to produce, manage, and present a summer program in Centennial Square for 2003, 2004, and 2005 and a commitment of City support at 2002 budget levels for the duration of the term, subject to annual review.
  - 2) Approval be given to the gating of Centennial Square by the Intercultural Association of Greater Victoria during Folkfest and other select times as required for the programming, provided that the gating configuration makes provision for some public access to be maintained through the Square to the parkade from Government Street, Douglas Street, and City Hall.

Councillor Fleming left the meeting at 10:50 a.m.

### **ADMINISTRATIVE MATTERS**

#### **LIBRARY FACILITY UPDATE**

03/130

Committee received a memorandum dated February 14, 2003 from Councillor Hughes advising that, on January 28, 2003, the Greater Victoria Public Library Board (GVPL) passed the following motion:

"That the Board reconfirms that a portion of the Central Library is the City of Victoria's branch within the GVPL System as indicated in the Board's adoption of option 5 of the recommendations of the Inter-Municipal Sub-committee in May, 1990, its approval of minor changes in those principles in June 1991, and as stated in paragraphs 8.8 and 8.9 of the current Library Operating Agreement."

Each municipal representative on the Board was asked to reconfirm this portion of the Agreement.

- ACTION:** Councillor Holland moved that the report dated February 14, 2003 from Councillor Hughes regarding the City of Victoria's ownership within the GVPL, be received for information.

### **DISPOSITION OF COMMUNICATIONS**

03/129

Committee received a memorandum dated February 14, 2003, from the Manager, Administration, reporting that certain communications received in the Legislative Services Division have been dealt with on the date and in the manner indicated.

**ACTION:** Councillor Madoff moved that the Disposition of Communications dated February 14, 2003 from the Manager, Administration, be received for information and filed.

### **WALK 21 – THE INTERNATIONAL CONFERENCE ON WALKING**

03/128

Committee received a memorandum dated February 27, 2003 from the Office of the City Manager advising that Councillor Savoie would like to attend The Walk21 Conference in Portland, Oregon, May 1 to 3, 2003. The conference is sponsored by an international alliance and will confirm the importance of walking issues at political and policy levels, provide an international discussion platform, acknowledge the research undertaken so far, and identify the need for future funding and research.

**ACTION:** Councillor Madoff moved that it be recommended to Council that:

- 1) Councillor Savoie be authorized to attend the Walk21 Conference in Portland, Oregon, May 1 to 3, 2003.
- 2) Funding of approximately \$1,400 be approved to cover related expenses.

Councillor Thornton-Joe advised that her husband is employed by BC Transit , and because of this potential conflict of interest, she could not consider the next item. She left the meeting at 11:04 a.m.

### **BC TRANSIT FUNDING & SERVICE STRATEGY REVIEW**

03/127

Committee received a letter dated November 15, 2002 from the Chair, BC Transit Board of Directors. Councillor Savoie had requested that this issue be placed on the agenda for further discussion. The letter provided information on the implementation of Phase 1 of the Board of Directors' Funding and Service Strategy Review. It also requested endorsement of an amendment to the *BC Transit Act* Regulations in order to bring closure to Phase 1 in the shortest possible time.

Mayor Lowe advised that this issue has not gone forward in the timeline originally prescribed in the November 15<sup>th</sup> letter. More discussion is required by all stakeholders before a funding strategy can be finalized.

**ACTION:** Councillor Savoie moved that:

- 1) Representatives of the Transit Commission be invited to attend a Committee of the Whole meeting to discuss the BC Transit Funding and Service Strategy Review.
- 2) The Discussion Paper and Consultation Guide be referred to the Advisory Transportation Committee for its review and comments.

Councillor Thornton-Joe returned to the meeting at 11:15 a.m.

### **COUNCILLOR INQUIRIES**

#### **WATER CONSERVATION**

03/126

Councillor Fortin reported from a meeting of the Greater Victoria Water District Board that he attended on February 19, 2003. He was informed at that meeting that the Sooke reservoir will provide a sufficient water supply to the area until 2017 if water consumption is cut by 10%. If consumption remains at present levels, the reservoir will need to be expanded again in 2010.

Councillor Fortin inquired about a document sent to staff 8 months ago that outlined changes to the rate structure to encourage conservation. He will meet with the Manager, Water and Environment to discuss this proposal.

### **ESQUIMALT / VICTORIA BYLAWS**

03/125

Councillor Fortin advised that the Inspector in charge of the West Division of the Police Department has expressed concern regarding inconsistencies in Victoria and Esquimalt bylaws that are causing difficulties with enforcement. Councillor Fortin requested that staff review this issue.

### **CLOSED MEETING - 11:20 A.M.**

Councillor Hughes moved that Committee of the Whole convene a closed meeting that excludes the public under Section 10(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 10 (3) of the Council Bylaw.

### **LEGAL – WORKING AGREEMENT**

03/124

Fire Chief Thoresen advised of a request received from Public Works Canada that the City consider provision of shipboard firefighting services to the graving docks in Esquimalt.

### **BYLAW ENFORCEMENT – 251 SUPERIOR STREET**

03/123

Earlier in the meeting, Committee referred the issue of Bylaw Enforcement at 251 Superior Street to the Closed portion of the meeting. Committee now received legal advice on this issue.

**ACTION:** Councillor Holland moved that it be recommended to Council that, with the agreement of the owner, the restrictive covenant on the property at 251 Superior Street, be removed.

**ACTION:** Councillor Savoie moved that Committee of the Whole rise and report on 03/123 regarding Bylaw Enforcement at 251 Superior Street.

The meeting adjourned at 12:25 p.m.

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Mayor Lowe, Chair